

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

JOSEPH L. ENNIS,

Plaintiff,

v.

MARTINEZ,

Defendant.

No. 1:23-cv-1330 JLT BAM (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS, DISMISSING THE
ACTION FOR FAILURE TO STATE A
CLAIM, AND DIRECTING THE CLERK OF
COURT TO CLOSE THIS CASE

(Doc. 14)

Joseph L. Ennis seeks to hold Rose Martinez, a nurse at the Substance Abuse Treatment Facility- Corcoran, liable for violating his civil rights arising under the Eighth Amendment. (Doc. 12.) The magistrate judge screened the First Amended Complaint pursuant to 28 U.S.C. § 1915A(a) and found Plaintiff failed to state a cognizable claim. (Doc. 14 at 3-5.) The magistrate judge noted the Court informed Plaintiff of the applicable legal standards when screening the initial complaint. (*Id.* at 5.) Because Plaintiff again failed to state a claim, the magistrate judge determined further leave to amend was futile and recommended the action be dismissed. (*Id.*)

The Findings and Recommendations were served on Plaintiff, and contained a notice that any objections were due within 14 days. (Doc. 14 at 5.) The Court advised Plaintiff that failure to file timely objections may result in the waiver of rights on appeal. (*Id.*, citing *Wilkerson v. Wheeler*, 772 F.3d 834, 839 (9th Cir. 2014).) Plaintiff did not file objections and the time to do so expired.

Pursuant to 28 U.S.C. § 636(b)(1)(C), this Court performed a *de novo* review of the case. Having carefully reviewed the matter, the Court concludes the Findings and Recommendations are supported by the record and by proper analysis. Accordingly, the Court **ORDERS**:

1. The Findings and Recommendations issued on December 5, 2023 (Doc. 14) are **ADOPTED** in full.
2. This action is **DISMISSED** with prejudice for failure to state a cognizable claim upon which relief may be granted.
3. The Clerk of Court is directed to close this case.

IT IS SO ORDERED.

Dated: **January 17, 2024**


UNITED STATES DISTRICT JUDGE